

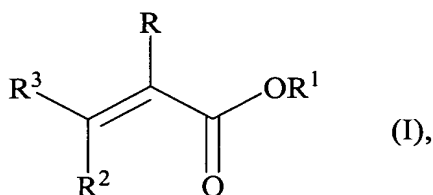
IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A functional fluid comprising

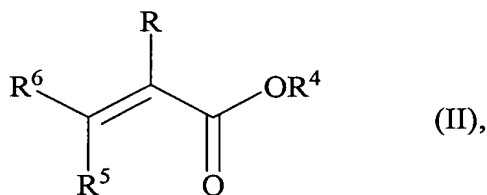
A) 1 to 99 % by weight based on the total weight of the functional fluid of one or more alkyl(meth)acrylate polymers obtainable by polymerizing a mixture of olefinically unsaturated monomers, which ~~consists of~~ comprises

a) 1-100 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R<sup>1</sup> means a linear or branched alkyl residue with 1-6 carbon atoms, R<sup>2</sup> and R<sup>3</sup> independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or a an alkyl group with 1-6 carbon atoms,

b) 0-99 wt% based on the total weight of the ethylenically unsaturated monomers of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R<sup>4</sup> means a linear or branched alkyl residue with 7-40 carbon atoms, R<sup>5</sup> and R<sup>6</sup> independently are hydrogen or a group of

the formula -COOR", where R" means hydrogen or an alkyl group with 7-40 carbon atoms, and

c) 0-50 wt% based on the total weight of the ethylenically unsaturated monomers of one or more comonomers,

and

B) 1 to 99 % by weight based on the total weight of the functional fluid of ~~an~~ at least one oxygen containing compound selected from the group consisting of carboxylic acid esters, polyether polyols ~~and/or~~ and organophosphorus compounds.

Claim 2 (Original): The functional fluid according to claim 1, wherein the oxygen containing compound has a fire point according to ASTM D 92 of at least 250 °C.

Claim 3 (Original): The functional fluid according to claim 1 or 2, wherein the oxygen containing compound has a kinematic viscosity at 40°C according to ASTM D 445 of 35 mm<sup>2</sup>/s or less.

Claim 4 (Currently Amended): The functional fluid according to ~~one of the preceding~~ ~~claims~~ claim 1, wherein the oxygen containing compound is a carboxylic ester containing at least two ester groups.

Claim 5 (Currently Amended): The functional fluid according to ~~one of the preceding~~ ~~claims~~ claim 1, wherein the oxygen containing compound is a diester of carboxylic acids containing 4 to 12 carbon atoms.

Claim 6 (Currently Amended): The functional fluid according to claim 5, wherein the diester is a ester of at least one selected from the group consisting of adipic, azelaic, sebacic, phthalate ~~and/or~~ and dodecanoic acids.

Claim 7 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the oxygen containing compound is a an ester of a polyol.

Claim 8 (Original): The functional fluid according to claim 7, wherein the polyol comprises 4 to 22 carbon atoms.

Claim 9 (Original): The functional fluid according to claim 8, wherein the ester is a ester of neopentyl glycol, diethylene glycol, dipropylene glycol, trimethanol propane, or pentaerythritol.

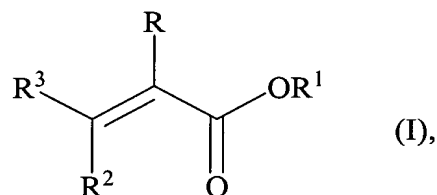
Claim 10 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the oxygen containing compound is a polyalkylene glycol.

Claim 11 (Original): The functional fluid according to claim 10, wherein the polyether polyol is based on butylene oxide.

Claim 12 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the alkyl(meth)acrylate polymers have a molecular weight in the range of 300 g/mol to 50 000 g/mol.

Claim 13 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising

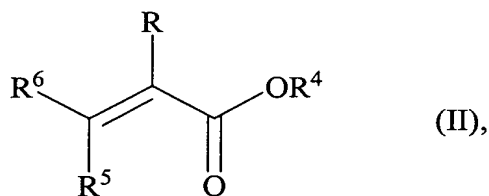
15-70 wt% of one or more ethylenically unsaturated ester compounds of formula (I)



where R is hydrogen or methyl, R<sup>1</sup> means a linear or branched alkyl residue with 1-6 carbon atoms, R<sup>2</sup> and R<sup>3</sup> independently represent hydrogen or a group of the formula -COOR', where R' means hydrogen or a an alkyl group with 1-6 carbon atoms.

Claim 14 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising

30-85 wt% of one or more ethylenically unsaturated ester compounds of formula (II)



where R is hydrogen or methyl, R<sup>4</sup> means a linear or branched alkyl residue with 7-40 carbon atoms, R<sup>5</sup> and R<sup>6</sup> independently are hydrogen or a group of the formula -COOR'', where R'' means hydrogen or an alkyl group with 7-40 carbon atoms.

Claim 15 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising dispersant monomers.

Claim 16 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the alkyl(meth)acrylate polymers are obtainable by polymerizing a mixture comprising vinyl monomers containing aromatic groups.

Claim 17 (Currently Amended): The functional fluid according to ~~one of the preceding claims~~ claim 1, wherein the weight ratio of the alkyl(meth)acrylate polymers to the oxygen containing compound is in the range of 2:1 to 1:10.

Claim 18 (Currently Amended): A hydraulic oil comprising the functional fluid according to ~~one of the preceding claims~~ claim 1.

Claim 19 (Currently Amended): The hydraulic oil according to claim 18, wherein the hydraulic oil comprises at least 20% by weight of the functional fluid according to ~~one of the claims 1 to 17~~ claim 1.

Claim 20 (Currently Amended): The use of a functional fluid according to ~~one of the preceding claims~~ claim 1 to improve the fire resistance of hydraulic fluids, transformer oils and quench oils.

Claim 21 (Original): The use according to claim 20, wherein the hydraulic fluid is an anhydrous fluid.

Claim 22 (Currently Amended): A method for the manufacture of the functional fluid according to ~~one of the claims 1 to 19~~ claim 1, wherein a mixture of olefinically unsaturated

monomers is polymerized in a fluid of an oxygen containing compound according to component B).

Claim 23 (New): The functional fluid according to Claim 1, having a kinematic viscosity at 40°C according to ASTM D 445 of from 28 mm<sup>2</sup>/s to 110 mm<sup>2</sup>/s.

Claim 24 (New): The functional fluid according to Claim 1, having a pour point according to ASTM D 97 of -40°C or less.

Claim 25 (New): The functional fluid according to Claim 1, having a fire point according to ASTM D 92 of at least 300°C.

Claim 26 (New): The functional fluid according to Claim 1, having a Factory Mutual 6390 Group 1 rating.

Claim 27 (New): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises from 34 to 90 wt.% of methyl(meth)acrylate.

Claim 28 (New): The functional fluid according to Claim 27, wherein the alkyl(meth)acrylate polymer consists of monomers a), b), and c).

Claim 29 (New): The functional fluid according to Claim 1, wherein the alkyl(meth)acrylate polymer comprises copolymerized units of octadecenoic acid, lauryl methacrylate, and methyl methacrylate.

Claim 30 (New): The functional fluid according to Claim 1, wherein the oxygen containing compound is at least one selected from the group consisting of neopentyl glycol dioleate, neopentyl glycol tallate, diethylene glycol dioleate, diethylene glycol tallate, and propylene glycol dioleate.